

Applicant or Patentee: Gary L. Johns  
Serial or Patent No.: 08/628,829  
Filed or Issued: April 5, 1996  
Title: Method and Product for Regulating Cell Responsiveness to External Signals

Key's  
Docket CPI-004DVCP3

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Cadus Pharmaceutical Corporation  
ADDRESS OF SMALL BUSINESS CONCERN 777 Old Saw Mill River Road, Tarrytown, New York 10591

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME National Jewish Center for Immunology & Respiratory Medicine  
ADDRESS 1400 Jackson Street  
Denver, Colorado 80206

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Jeremy M. Levin, D.Phil., MB.BChir.  
TITLE OF PERSON OTHER THAN OWNER Chairman, President, & CEO  
ADDRESS OF PERSON SIGNING Cadus Pharmaceutical Corp. 777 Old Saw Mill River Rd. Tarrytown, N  
SIGNATURE Jeremy Levin DATE 9/16/96

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary L. Johnson  
 Serial No.: 08/628,829  
 Filed: April 5, 1996  
 Title: Method and Product for Regulating Cell  
 Responsiveness to External Signals

Atty. Docket No.: CPI-004DVCP3

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION

I HEREBY DECLARE THAT I AM AN OFFICIAL EMPOWERED TO ACT ON BEHALF OF THE NONPROFIT ORGANIZATION IDENTIFIED BELOW:

NAME OF NONPROFIT Organization: National Jewish Center for Immunology and Respiratory Medicine  
 ADDRESS OF NONPROFIT ORGANIZATION: 1400 Jackson Street, Denver, Colorado, 80206

### TYPE OF NONPROFIT ORGANIZATION

☒ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE Colorado)  
 (CITATION OF STATUTE Colo. Rev. Stat. §7-20-102(10)(1986))

I HEREBY DECLARE THAT THE NONPROFIT ORGANIZATION IDENTIFIED ABOVE QUALIFIES AS A NONPROFIT ORGANIZATION AS DEFINED IN 37 CFR 1.9(E) FOR PURPOSES OF PAYING REDUCED FEES TO THE UNITED STATES PATENT AND TRADEMARK OFFICE REGARDING THE INVENTION ENTITLED:

### METHOD AND PRODUCT FOR REGULATING CELL RESPONSIVENESS TO EXTERNAL SIGNALS

By Inventor: Gary L. Johnson

DESCRIBED IN: ☐ the Specification Filed Herewith. ☒ Application Serial No: 08/628,829 as described above.

I HEREBY DECLARE THAT RIGHTS UNDER CONTRACT OR LAW HAVE BEEN CONVEYED TO AND REMAIN WITH THE NONPROFIT ORGANIZATION REGARDING THE ABOVE-IDENTIFIED INVENTION.

IF THE RIGHTS HELD BY THE NONPROFIT ORGANIZATION ARE NOT EXCLUSIVE, EACH INDIVIDUAL, CONCERN OR ORGANIZATION HAVING RIGHTS IN THE INVENTION IS LISTED BELOW\* AND NO RIGHTS TO THE INVENTION ARE HELD BY ANY PERSON, OTHER THAN THE INVENTOR WHO WOULD NOT QUALIFY AS AN INDEPENDENT INVENTOR UNDER 37 CFR 1.9(C) IF THAT PERSON MADE THE INVENTION, OR BY ANY CONCERN WHICH WOULD NOT QUALIFY AS A SMALL BUSINESS CONCERN UNDER 37 CFR 1.9(D) OR A NONPROFIT ORGANIZATION UNDER 37 CFR 1.9(E).

\*NOTE: SEPARATE VERIFIED STATEMENTS ARE REQUIRED FROM EACH NAMED PERSON, CONCERN OR ORGANIZATION HAVING RIGHTS TO THE INVENTION AVERRING TO THEIR STATUS AS SMALL ENTITIES (37 CFR 1.27)

NAME Cadus Pharmaceutical Corporation  
 ADDRESS 777 Old Saw Mill River Road, Tarrytown, New York 10591

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I ACKNOWLEDGE THE DUTY TO FILE, IN THIS APPLICATION OR PATENT, NOTIFICATION OF ANY CHANGE IN STATUS RESULTING IN LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS PRIOR TO PAYING, OR AT THE TIME OF PAYING, THE EARLIEST OF THE ISSUE FEE OR ANY MAINTENANCE FEE DUE AFTER THE DATE ON WHICH STATUS AS A SMALL ENTITY IS NO LONGER APPROPRIATE. (37 CFR 1.28(B))

I HEREBY DECLARE THAT ALL STATEMENTS MADE HEREIN OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE, AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION, ANY PATENT ISSUING THEREON, OR ANY PATENT TO WHICH THIS VERIFIED STATEMENT IS DIRECTED.

NAME OF PERSON SIGNING: Frederick A. Langille  
 TITLE IN ORGANIZATION OF PERSON SIGNING: Executive Vice President  
 ADDRESS OF PERSON SIGNING: 1400 Jackson Street, Denver, CO 80206

SIGNATURE  DATE \_\_\_\_\_

09608890 063000

Attorney's  
Docket  
Number **CPI-004DVC P3**

# Declaration, Petition and Power of Attorney for Continuation-in-Part Patent Application

## Declaration, Petition and Power of Attorney For Patent Application

**As a below named inventor, I hereby declare that:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## METHOD AND PRODUCT FOR REGULATING CELL RESPONSIVENESS TO EXTERNAL SIGNALS

the specification of which

\_\_\_\_\_ is attached hereto.

was filed on 5 April 1996 as Application Serial No. 08/628,829.

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims and/or specification as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

090890-063000

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application; that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

<u>08/472,934</u> (Application Serial No.)	<u>June 6, 1995</u> (Filing Date)	<u>Pending</u> (Status) (patented,pending,aband.)
<u>08/440,421</u> (Application Serial No.)	<u>May 15, 1995</u> (Filing Date)	<u>Pending</u> (Status) (patented,pending,aband.)
<u>08/410,602</u> (Application Serial No.)	<u>March 24, 1995</u> (Filing Date)	<u>Pending</u> (Status) (patented,pending,aband.)
<u>08/323,460</u> (Application Serial No.)	<u>October 14, 1994</u> (Filing Date)	<u>Pending</u> (Status) (patented,pending,aband.)
<u>08/049,254</u> (Application Serial No.)	<u>April 15, 1993</u> (Filing Date)	<u>Patented (5,405,941)</u> (Status) (patented,pending,aband.)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John A. Lahive, Jr.	Reg. No. 19,788	Jeremiah Lynch	Reg. No. 17,425
W. Hugo Liepmann	Reg. No. 20,407	Amy F. Mandragouras	Reg. No. 36,207
James E. Cockfield	Reg. No. 19,162	Elizabeth A. Hanley	Reg. No. 33,505
Thomas V. Smurzynski	Reg. No. 24,798	Anthony A. Laurentano	Reg. No. 38,220
Ralph A. Loren	Reg. No. 29,325	Jane E. Remillard	Reg. No. 38,872
Thomas J. Engellenner	Reg. No. 28,711	Mark A. Kurisko	Reg. No. 38,944
Giulio A. De'Conti, Jr.	Reg. No. 31,503	Beth E. Arnold	Reg. No. 35,430
Ann Lamport Hammitte	Reg. No. 34,858	Jean M. Silveri	Reg. No. 39,030
Paul Louis Myers	Reg. No. 35,965	Matthew P. Vincent	Reg. No. 36,709
Michael I. Falkoff	Reg. No. 30,833	Lawrence E. Monks	Reg. No. 34,224
John V. Bianco	Reg. No. 36,748		

Send Correspondence to:

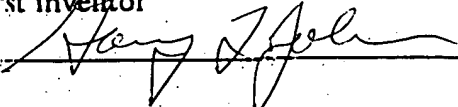
Matthew P. Vincent, Ph.D., Lahive & Cockfield, 60 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

Matthew P. Vincent, Ph.D., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	
Gary L. Johnson	
Inventor's signature	Date
9/12/96	
Residence	
2497 Keller Farm Drive, Boulder, Colorado 80304	
Citizenship	
United States of America	
Post Office Address (if different)	

**06-0987**

## Declaration, Petition and Power of Attorney For Patent Application.

My residence, post office address and citizenship are as stated below next to my name,

## METHOD AND PRODUCT FOR REGULATING CELL RESPONSIVENESS TO EXTERNAL SIGNALS

(check one)

\_\_\_\_\_ was filed on \_\_\_\_\_ as \_\_\_\_\_

and was amended on \_\_\_\_\_  
(if applicable)

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

## PRIORITY CLAIM

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Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

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(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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			_ Yes      No _
			_ Yes      No _
			_ Yes      No _
			_ Yes      No _

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Thomas J. Engellenner	Reg. No. 28,711	Beth E. Arnold	Reg. No. 35,430
William C. Geary III	Reg. No. 31,359	Anthony A. Laurentano	Reg. No. 38,220
Giulio A. DeConti, Jr.	Reg. No. 31,503	Jane E. Remillard	Reg. No. 38,872
Michael I. Falkoff	Reg. No. 30,833	Jean M. Silveri	Reg. No. 39,030
Ann Lamport Hammitte	Reg. No. 34,858	Mark A. Kurisko	Reg. No. 38,944
John V. Bianco	Reg. No. 36,748	Edward J. Kelly	Reg. No. 38,936

Send Correspondence to:

Matthew P. Vincent, Ph.D., Lahive & Cockfield, 60 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

Matthew P. Vincent, Ph.D., (617) 227-7400

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	
Gary L. Johnson	
Inventor's signature	Date
Residence	
2497 Keller Farm Drive, Boulder, Colorado 80304	
Citizenship	
United States of America	
Post Office Address (if different)	

098060000

Please continue to forward all written and telephonic communications to Giulio A. DeConti, Jr., Esq. at the address and telephone number listed below.

Respectfully submitted,

  
Giulio A. DeConti, Jr., Esq.  
Registration No. 31,503  
Attorney for Applicants

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, MA 02109  
Tel. (617) 227-7400

Dated: June 26, 2000

[illegible]